

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATIONS NO. 5800 & 6175/88

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PARAS CO-OP HOUSING LTD

Versus

COLLECTOR

Appearance:

Mr M B Gandhi for petitioners in
Spl.C.A.No.6175/88

MR D J Bhatt for Petitioners in Spl.C.A.No.
5800/88

Ms Harsha Devani, AGP for Respondents

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 06/08/96

ORAL JUDGEMENT (COMMON)

Both these Special Civil Applications are disposed of by way of this common judgment.

2. The grievance voiced in both these applications is that the petitioners-Cooperative Housing Societies are

of the persons belonging to Scheduled Castes and Backward Classes. They applied to the Collector for allotment for land in Survey No.633. However, the same was rejected by the Collector. The request was declined mainly on the ground that the land is needed for GIDC. It is submitted by the learned Advocates for the petitioners that even after meeting the requirement of GIDC, there is surplus land which can be spared for the petitioners-Societies. They have also submitted that under the scheme of the State Government, persons belonging to Scheduled Castes and Backward Classes are entitled to land for Housing. On the other hand, Ms. Harsha Devani, learned AGP submits that after thorough consideration, the Collector, by a reasoned order, has rejected the request of the petitioners Housing Cooperative Societies. The petitioners preferred Revision against the said order and the same has also been rejected. In view of the above, no interference under Article 226 of the Constitution of India is called for in the matters.

3. I have considered the contentions of the parties. It cannot be disputed that the members of both the Cooperative Societies belongs to the oppressed class. In a class ridden society that we live in and in the context of abject poverty and grave socio-economic inequalities still prevailing in the society, social and economic justice obviously mean justice to weaker or poor section of the society. Persons from the lower strata cannot compete with the people of the higher class, in the market for the purchase of even small piece of land for their shelter. Thus, in the facts of the case, it is desirable that the Collector gives a fresh look to the matter, keeping in view to achieve object enshrined in Article 38 of the Constitution of India.

4. In view of the aforesaid, I allow both the Special Civil Applications and direct the Collector, Bhavnagar to consider the entire matter afresh and if the land can be made available to the petitioner-societies in Survey No.633, the same may be allotted. In case the land in survey No.633 is not available for allotment and the land is available elsewhere, efforts be made for allotment of such land.

Rule made absolute in each of the Special Civil Applications to the aforesaid extent with no order as to costs.

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